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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,297	10/03/2000	HIROSHI KABURAGI	862.C2023	5739

5514 7590 03/17/2006

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER
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PHAM, THIERRY L

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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20060302

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

GABRIEL GARCIA  
PRIMARY EXAMINER

### **DETAILED ACTION**

- This action is responsive to the following communication: an Amendment filed on 2/10/06.

#### ***Election/Restrictions***

Applicant's election with traverse of species I in the reply filed on 2/10/06 is acknowledged. The traversal is on the ground(s) that the claimed communication means/step, characteristic-information acquisition means/step, and determination means/step of claims 19 & 23 is generic to the claimed means/step for transmitting test pattern, reading means/step, and calculating means/step of claims 27 to claim 29. This is not found persuasive because:

- Claims 19 & 23 are not generic to claims 27-29 because claims 19 & 23 include characteristic-information acquisition means/step and determination means/step, while claims 27-29 do not include characteristic-information acquisition means/step and determination means/step.
- Claims 19 & 23 are not generic to claims 27-29 because claims 19 & 23 do not include reading means/step and calculation means/step, while claims 27-29 include reading means/step and calculation means/step.

The requirement is still deemed proper and is therefore made FINAL.

This application is in condition for allowance except for the presence of claims 27-29 directed to an invention non-elected with traverse in the reply filed on 2/10/06. Applicant is given ONE MONTH or THIRTY DAYS from the date of this letter, whichever is longer, to cancel the noted claims or take other appropriate action (37 CFR 1.144). Failure to take action during this period will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue.

The prosecution of this case is closed except for consideration of the above matter.

Art Unit: 2624

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham

A handwritten signature in black ink, appearing to read 'Gabriel Garcia', with a stylized, cursive script.

GABRIEL GARCIA  
PRIMARY EXAMINER